

MINUTES OF MEETING
MAPLE RIVER WATER RESOURCE DISTRICT
CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
NOVEMBER 6, 2014

The Maple River Water Resource District met on November 6, 2014, at 9:00 a.m. at the Cass County Highway Department, West Fargo, North Dakota.

Present were Rodger Olson, Chairman; Jurgen Suhr, Manager; Gerald Melvin, Manager; Carol Harbeke Lewis, Secretary-Treasurer; Brenda Lovgren, Administrative Assistant; Sean M. Fredricks, Attorney for the Board; Kurt Lysne, Engineer for the Board; Ken Pawluk, Cass County Commissioner; Pat Downs, Red River Retention Authority; Brady Woodard, Moore Engineering, Inc.; Mike Eslinger, Dirt Pro; Troy Goltz, property owner in Leonard Township; Randy Kellerman and Wayne Kellerman, farm operators in Watson Township; and Mary Walhood, representing a property owner in Coburn Township.

Minutes

It was moved by Manager Melvin, seconded by Manager Suhr and unanimously carried to approve the minutes of the October 2, 2014, meeting.

Application to Install a Subsurface Drain for Linda Withey, Marilyn Danielson and Phyllis Wyum in the E 1/2 of Section 6 in Coburn Township in Ransom County

The Board reviewed *Application to Install a Subsurface Drain* for Linda Withey, Marilyn Danielson and Phyllis Wyum in the E 1/2 of Section 6 in Coburn Township in Ransom County. The project will ultimately discharge into Cass County and, more specifically, into the Maple River Water Resource District's jurisdiction. Mary Walhood expressed concern about the ditch on the north side of State Highway 46 being too wet to maintain as a result of the project.

It was moved by Manager Melvin and seconded by Manager Suhr to send a letter to Ransom County Water Resource District stating:

- 1) The Maple River Water Resource District concluded the project would not "have a substantial effect" on the Maple River Water Resource District and, therefore, does not suggest forwarding the application to the North Dakota Office of the State Engineer for further determination regarding the "statewide significance" issue;
- 2) The Maple River Water Resource District requests Ransom County Water Resource District require Applicants to obtain written permission from

the North Dakota Department of Transportation (NDDOT) as a condition to an approved permit;

3) The Maple River Water Resource District recommends Ransom County Water Resource District retain authority to order Applicants to turn off Applicant's pump to avoid adverse impacts to downstream landowners during flooding conditions; and

4) The Maple River Water Resource District recommends the NDDOT require Applicants to maintain the State Highway 46 road ditch as a condition to any approval by the NDDOT.

Upon roll call vote, the motion carried unanimously.

Application to Install a Subsurface Drain No. 201213 for Lynn Goltz and Troy Goltz, Goltz Farms, LLC in the E 1/2 of Section 33 in Leonard Township – request for an extension

At the July 11, 2012, meeting, the Board approved *Application to Install a Subsurface Drain No. 201213* dated April 5, 2012, for Troy and Lynn Goltz, Goltz Farms, LLC; the Board provided a *Notice of Decision* to the parties of record regarding the approval, dated July 25, 2012. At that time, the Board concluded the application does not propose drainage of statewide significance, so the Board has jurisdiction to approve the permit (without forwarding to the Office of the State Engineer to consider and approve); the Board again concluded the project is not of statewide significance. Under the application, Applicant seeks to install a drain tile system in the E 1/2 of Section 33 in Leonard Township, Cass County, North Dakota. The project will include a pump outlet that will discharge on the east line of the NE 1/4 of Section 33 (approximately one quarter mile south of the northeast corner) into the west ditch of North Dakota Highway 18. From there, the tile discharge will flow north approximately one quarter of a mile, until it reaches the northeast corner of Section 33; the tile discharge will then flow through an existing culvert through Highway 18 and into the east ditch of Highway 18; the tile discharge will then flow north in the east highway ditch.

One of the conditions of any approved tile permits is that the Applicant must complete construction within two years from the date of final approval of the permit by the Water Resource District. In this case, Applicants are requesting an extension of the permit in light of the fact that they did not construct the project within two years of the Board's approval. The Board discussed the request and concluded there are not any circumstances that would preclude an extension.

According to records on file with the Cass County Recorder's Office, Lynn Goltz owns the E 1/2 of Section 33 where Applicant intends to install the tile system.

It was moved by Manager Melvin and seconded by Manager Suhr to approve a two-year extension to *Application to Install a Subsurface Drain No. 201213* dated April 5, 2012, for Troy and Lynn Goltz, Goltz Farms, LLC, in the E 1/2 of Section 33 in Leonard Township, subject to the following conditions:

- 1) That Applicant obtain easements from the owner of any land, besides land owned by Applicant, on which Applicant will construct the tile system;
- 2) That Applicant obtain written permission from the NDDOT to discharge into, or otherwise utilize, any of NDDOT's Highway 18 road ditch;
- 3) That Applicant notify the Maple River Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 4) That Applicant notify the Maple River Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submitting an additional permit application;
- 5) That Applicant must close all outlets during flood occurrences or under conditions that may cause adverse impacts to downstream landowners, as determined by the Maple River Water Resource District; and
- 6) That Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Upon roll call vote, the motion carried unanimously.

Application to Install a Subsurface Drain No. 201417 for Dale Roesler and Goltz Family Partnership, LLP, in the E 1/2 of Section 28 in Maple River Township

The Board reviewed *Application to Install a Subsurface Drain No. 201417* dated November 5, 2014, for Dale Roesler and Goltz Family Partnership, LLP. The Board reviewed the criteria in Section 89-02-01-09 of the North Dakota Administrative Code and concluded the project does not meet any of the "statewide" elements; therefore, the application does not propose drainage of statewide significance, so the Board has jurisdiction to approve the permit (without forwarding to the Office of the State Engineer to consider and approve). Under the application, Applicants seek to install a drain tile system in the SE 1/4 of Section 28 and Auditor's Lot 1 in the NE 1/4 of Section 28 (south of the Maple River) in Maple River Township, Cass County, North Dakota. The project will include a gravity outlet that will discharge directly into the Maple River in the NE 1/4 of Section 28. Applicants' project plan includes a 24-inch perforated tile main with a quarter-inch coefficient.

Because the proposed project will discharge directly into the Maple River, the Application did not require a *Thirty-Day Notice* under N.D. Cent. Code § 61-32-03.1, and the Board cannot require Applicant to obtain any flowage easements from downstream landowners.

According to records on file with the Cass County Recorder's Office, the Goltz Family Partnership, LLP, owns the SE 1/4 of Section 28 of Maple River Township, and Dale Roesler owns Auditor's Lot 1 in the NE 1/4 of Section 28 (south of the Maple River) in Maple River Township, where Applicants intend to install the tile system.

It was moved by Manager Melvin and seconded by Manager Suhr to approve *Application to Install a Subsurface Drain No. 201417* dated November 5, 2014, for Dale Roesler and Goltz Family Partnership, LLP, in the E 1/2 of Section 28 in Maple River Township, subject to the following conditions:

- 1) That Applicants obtain easements from the owner of any land, besides land owned by Applicants, on which Applicants will construct the tile system;
- 2) That Applicants provide and maintain adequate erosion protection at any and all outlets into the Maple River;
- 3) That Applicants notify the Maple River Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 4) That Applicants notify the Maple River Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submitting an additional permit application;
- 5) That Applicants must close all outlets during flood occurrences or under conditions that may cause adverse impacts to downstream landowners, as determined by the Board;
- 6) That all tile lines discharging into the 24-inch perforated tile main must match the quarter inch coefficient; and
- 7) That Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Upon roll call vote, the motion carried unanimously.

Application to Install a Subsurface Drain No. 201416 for Jack Kensok and Western Trust in the E 1/2 of Section 11 in Gill Township

The Board reviewed *Application to Install a Subsurface Drain No. 201416* dated September 10, 2014, for Jack Kensok and Western Trust. The Board reviewed the criteria in Section 89-02-01-09 of the North Dakota Administrative Code and concluded the project does not meet any of the “statewide” elements; therefore, the application does not propose drainage of statewide significance, so the Board has jurisdiction to approve the permit (without forwarding to the Office of the State Engineer to consider and approve). Under the application, Applicants seek to install a drain tile system in the E 1/2 of Section 11 in Gill Township, Cass County, North Dakota. The project will include a pump outlet that will discharge into NDDOT right of way regarding I-94.

The Board previously provided a *Thirty-Day Notice* under N.D. Cent. Code § 61-32-03.1 to the NDDOT.

According to records on file with the Cass County Recorder's Office, Jack Kensok owns the NE 1/4 of Section 11 and Western Trust owns the SE 1/4 of Section 11.

It was moved by Manager Suhr and seconded by Manager Melvin to approve *Application to Install a Subsurface Drain No. 201416* dated September 10, 2014, for Jack Kensok and Western Trust in the E 1/2 of Section 11 in Gill Township, subject to the following conditions:

- 1) That Applicants obtain easements from the owner of any land, besides land owned by Applicants, on which Applicants will construct the tile system;
- 2) That Applicants obtain written permission from NDDOT to discharge into, or otherwise utilize, any of its highway right of way, or to bore through its highway;
- 3) That Applicants notify the Maple River Water Resource District in advance of any proposed alterations to outlet locations, or addition of any outlets;
- 4) That Applicants notify the Maple River Water Resource District in advance of any proposed improvements to the tile system, or any proposed increase in the capacity or drainage area of the tile system and, if necessary, submitting an additional permit application;
- 5) That Applicants must close all outlets during flood occurrences or under conditions that may cause adverse impacts to downstream landowners, as determined by the Board; and
- 6) That Applicants obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Upon roll call vote, the motion carried unanimously.

Pontiac Township Improvement District No. 73 - update

Brady Woodard reported Pontiac Township Improvement District No. 73 is nearly complete. Estimates have been received for erosion protection work on the project.

It was moved by Manager Suhr and seconded by Manager Melvin to accept the estimate and hire American Enterprises, Inc. to complete erosion protection work on Pontiac Township Improvement District No. 73. Upon roll call vote, the motion carried unanimously.

Ken Pawluk suggested updating the Cass County Commission on the progress of the project.

Drain #46 cleanout - update

Brady Woodard reported that a beaver dam was removed from the drain north of Cass County Highway 26. Jarrett Christoferson will be contacted for animal damage control. The contractor hopes to finish the project by next week.

Drain #39 slide repair

It was moved by Manager Suhr and seconded by Manager Melvin to hire Comstock Construction to repair slides at Sites 1, 2, and 3 on Drain #39 at an estimated cost of \$90,000 to \$100,000. Upon roll call vote, the motion carried unanimously.

Garsteig Dam – Natural Resources Conservation Service (NRCS) assessment and pipe repair

Brady Woodard reported to the Board that Industrial Builders, Inc. has completed pipe repair at Garsteig Dam. A recent NRCS inspection of the dam identified pipe separation.

State Water Commission inspection report on Garsteig, Embden and Absaraka Dams

The Board reviewed the State Water Commission inspection report on Garsteig, Embden, and Absaraka Dams.

It was moved by Manager Suhr and seconded by Manager Melvin to authorize Moore Engineering, Inc. to put a project together for repairs needed at Garsteig, Embden and Absaraka Dams. Upon roll call vote, the motion carried unanimously.

Garsteig-Embden Maintenance District – request from Bob Baumgarten to lower a culvert in the SE 1/4 of Section 29 in Durbin Township

The Board considered a request to lower a culvert in the SE 1/4 of Section 29 in Durbin Township. It appears the culvert elevation was set too high for lateral flow and the requested change is not to accommodate new or improved drainage. The estimated cost to lower the culvert is \$5,000 to \$10,000.

It was moved by Manager Melvin and seconded by Manager Suhr to cost share 50/50 with the landowner to lower the culvert in the SE 1/4 of Section 29 in Durbin Township, and that the Water Resource District continues to own the culvert. Upon roll call vote, the motion carried unanimously.

Bills

It was moved by Manager Melvin and seconded by Manager Suhr to approve the payment of Checks #5302 through #5317, and the electronic funds transfer, as presented. Upon roll call vote, the motion carried unanimously.

Upper Maple River Dam

Pat Downs informed the Board that the NRCS is conducting the initial review of the design documents on the Upper Maple River Dam. Additional information has been requested and will be provided in the near future.

Adjournment

There being no further business for the Board to consider, it was moved by Manager Melvin, seconded by Manager Suhr and unanimously carried to adjourn the meeting.

APPROVED:

Rodger Olson
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer